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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,437	02/19/2004	Rudy Woodard	033964-1050	5649
54945	7590	05/31/2007		
NIXON PEABODY LLP 401 9TH STREET, N.W. SUITE 900 WASHINGTON, DC 20004			EXAMINER FRISBY, KESHA	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,437

Applicant(s)

WOODARD ET AL.

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 9, 14-19, 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk et al. in view of Cornwell (U.S. Patent Number 7,103,552) and Chan (U.S. Patent Number 6,446,376).

Referring to claims 1, 9, 14 & 22, Loudermilk et al. discloses one or more exterior images displayed on an exterior surface of an image display housing (Figs. 1A & 1B & column 3 lines 33-36); an audio storage with one or more audio segments associated with exterior and interior images (storage circuit 100); and an audio player wherein activation by a first play button broadcast one of the one or more audio segments (column 3 lines 48-51) and wherein the image record selector differentiates between images on a front side of each of the one or more interior frames and images on a back side of each of the one or more interior frames (column 6 lines 31-36) (claims 9 & 22). *Loudermilk et al. does not disclose an audio storage locking mechanism wherein activation will prevent any new audio to be stored over previously stored audio within the audio storage and one or more interior images stored within the image display housing and removably displayed on one or more interior frames. However, Cornwell*

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teaches an audio storage locking mechanism wherein activation will prevent any new audio to be stored over previously stored audio within the audio storage (column 4 lines 4-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an audio storage locking mechanism, as disclosed by Cornwell, incorporated into Loudermilk et al. in order to prevent the accidental re-recording over a message. Loudermilk et al./Cornwell does not teach *one or more interior images stored within the image display housing and removably displayed on one or more interior frames*. However, Chan teaches one or more interior images (photograph 60) stored within the image display housing (photo display unit 100) and removably displayed on one or more interior frames (Fig. 3 & column 3 lines 27-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include one or more interior images, as disclosed by Chan, incorporated into Loudermilk et al./Cornwell in order to display a multiple number of pictures.

Referring to claims 2 & 15, Loudermilk et al., as modified by Cornwell and Chan, teaches further comprising: one or more frame selection buttons wherein activation of one of the one or more frame selection buttons displays one or more of the interior images by moving one of the one or more frames out of the image display housing (column 3 lines 25-29 of Chan).

Referring to claims 3 & 16, Loudermilk et al., as modified by Cornwell and Chan, discloses further comprising: one or more frame selection buttons associated with the one or more interior frames (column 3 lines 25-29 of Chan); and a control circuit wherein the control circuit selects one of the audio segments to broadcast based on

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activation of the first play button and activation of one or none of the one or more frame selection buttons (storage circuit 100/audio message circuit of Loudermilk et al.).

Referring to claims 4 & 17, Loudermilk et al., as modified by Cornwell and Chan, discloses further comprising: one or more frame selection buttons associated with the one or more interior frames (column 3 lines 25-29 of Chan); an audio recorder wherein activation by a record button records one of the one or more audio segments to the audio storage (column 5 lines 37-40 & column 10 lines 17-19 of Loudermilk et al.); and a control circuit wherein the control circuit identifies one of the one or more recorded audio segment with an associated image based on activation of the record button and activation of one or none of the one or more frame selection buttons (storage circuit 100/audio message circuit of Loudermilk et al.).

Referring to claims 5 & 18, Loudermilk et al., as modified by and Cornwell and Chan, teaches wherein one interior image is displayed on a front and another interior image is displayed on a back of each of the one or more interior frames (column 3 lines 29-31 of Chan).

Referring to claims 6 & 19, Loudermilk et al., as modified by Cornwell and Chan, discloses further comprising: one or more frame selection buttons associated with the one or more interior frames (column 3 lines 25-29 of Chan); and a control circuit wherein the control circuit selects one of the audio segments to broadcast based on activation of the first play button or a second play button and activation of one or none of the one or more frame selection buttons (storage circuit 100/audio message circuit of Loudermilk et al.).

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Referring to claims 8 & 21, Loudermilk et al., as modified by Cornwell and Chan, discloses further comprising: one or more frame selection buttons associated with the one or more interior frames (column 3 lines 25-29 of Chan); an audio recorder wherein activation by a record button records one of the one or more audio segments to the audio storage (column 5 lines 37-40 & column 10 lines 17-19 of Loudermilk et al.); and a control circuit wherein the control circuit identifies one of the one or more recorded audio segment with an associated image based on activation of the record button (storage circuit 100/audio message circuit of Loudermilk et al.), an image record selector, and activation of one or none of the one or more frame selection buttons (column 10 lines 24-33 of Loudermilk et al.).

3. Claims 7 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk et al./Cornwell and further in view of Haas et al. (U.S. Patent Number 5,954,514).

Referring to claims 7 & 20, Loudermilk et al./Cornwell discloses the image display of claims 6 & 14. *Loudermilk et al./Cornwell does not disclose wherein the first play button is associated with images on a front side of each of the one or more interior frames and the second play button is associated with images on a back side of each of the one or more interior frames.* However, Haas et al. teaches wherein the first play button is associated with images on a front side of each of the one or more interior frames and the second play button is associated with images on a back side of each of the one or more interior frames (column 5 line 63-column 6 line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a

first and second play button, as disclosed by Haas et al., incorporated into Loudermilk et al. in order to indicate to the processor the photograph for which a message is to be played back or displayed.

4. Claims 10 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk et al. (U.S. Patent Number 6,393,401) in view of Cornwell (U.S. Patent Number 7,103,552).

Referring to claims 10 & 12, Loudermilk et al. discloses recording and storing an audio segment (column 2 lines 8 & 9 lines 49-54 & column 9 lines 19 & 20) receiving a signal from a first play button (abstract: touching of the pictures or the frame); and selecting and playing an audio segment associated with an image based on receiving a signal from one or none of one or more frame selection buttons associated with one of one or more frames of the image display and receiving the signal from the first play button (column 2 lines 45-49) and further comprising the step of: selecting an audio segment associated with an interior image for play when one of the one or more frame selection button signals is received (abstract) (claim 12). *Loudermilk et al. does not disclose selectively locking the recorded audio segment to prevent erasure of the stored audio segment.* However, Cornwell teaches selectively locking the recorded audio segment to prevent erasure of the stored audio segment (column 4 lines 4-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include selectively locking the recorded audio segment to prevent erasure of the stored audio segment, as disclosed by Cornwell, incorporated into Loudermilk et al. in order to prevent the accidental re-recording over a message.

5. Claims 11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk et al./Cornwell and further in view of Haas (U.S. Patent Number 5,954,514).

Referring to claim 11, Loudermilk et al./Cornwell discloses the method of claim 10.

Loudermilk et al./Cornwell does not disclose further comprising the step of: selecting and playing an audio segment associated with an exterior image when none of the one or more frame selection button signals is received. However, Haas et al. teaches further comprising the step of: selecting and playing an audio segment associated with an exterior image when none of the one or more frame selection button signals is received (column 1 lines 29-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include selecting and playing an audio segment associate an exterior image when none of the one or more frame selection button signals is received, as disclosed by Haas et al., incorporated into Loudermilk et al./Cornwell in order to associate the photographs with messages when the pages are turned.

Referring to claim 13, Loudermilk et al./Cornwell discloses the method of claim 10.

Loudermilk et al./Cornwell does not disclose further comprising the steps of: receiving a signal from a second play button; selecting and playing an audio segment associated with a back facing image when one or none of the one or more frame selection buttons is activated and the signal for the second play button is received; and selecting and playing an audio segment associated with a front facing image when one or none of the one or more frame selection button is activated and the signal for the first play button is

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received. However, Haas et al. teaches further comprising the steps of: receiving a signal from a second play button (left photo play back switch 156); selecting and playing an audio segment associated with a back facing image when one or none of the one or more frame selection buttons is activated and the signal for the second play button is received (column 5 lines 63-67); and selecting and playing an audio segment associated with a front facing image when one or none of the one or more frame selection button is activated and the signal for the first play button is received (column 5 lines 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include selecting and playing an audio segment associate with a back/front facing image, as disclosed by Haas et al., incorporated into Loudermilk et al./Cornwell in order to indicate to the processor the photograph for which a message is to be played back or displayed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. The applicant amended the claims, therefore a new rejection was made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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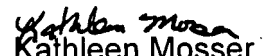
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kathleen Mosser
Primary Examiner
Art Unit 3714


Kyf 5/22/2007